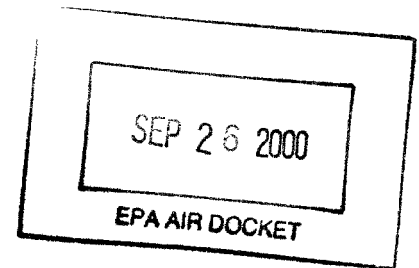




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

SEP 12 2000



The Honorable John Breaux
United State Senate
Washington, DC 20515

Dear Senator Breaux:

Thank you for your August 3, 2000, letter to our Headquarters office in behalf of Baton Rouge Mayor Tom Ed McHugh. Your letter was referred to me for response since Louisiana is within my Regional jurisdiction.

In his correspondence to you, Mayor McHugh expressed concerns (on behalf of the five parishes comprising the Baton Rouge ozone nonattainment area, the Chamber of Greater Baton Rouge, and the Capital Region Planning Commission) over the U.S. Environmental Protection Agency's (EPA) proposed designation process for the 8-hour ozone standard. The Governor of Louisiana recently submitted his recommendations for designations to the EPA, which we acknowledged in our July 19, 2000, letter, a copy of which is enclosed for your information.

Mayor McHugh enclosed with his letter the comments submitted by the five Parish Presidents to the Louisiana Department of Environmental Quality (LDEQ) during the LDEQ's public comment period on the 8-hour ozone designations process. The Parish Presidents' comments recommended that the State submit to EPA a recommendation that all parishes be designated as unclassifiable for the 8-hour ozone National Ambient Air Quality Standard (NAAQS).

The EPA announced the revised 8-hour NAAQS for ground-level ozone in July 1997. Under the Clean Air Act (CAA) and the Transportation Equity Act for the 21st Century (TEA-21), EPA is required to designate areas as attainment, unclassifiable or nonattainment for the revised 8-hour NAAQS by July 2000. The CAA specifically provides that an area must be designated nonattainment if the area does not meet, or contributes to, ambient air quality in a nearby area that does not meet the NAAQS. Consequently, if air quality monitoring data indicate a violation of the ozone NAAQS in an area, or that emissions from sources contribute to nonattainment in a nearby area, the EPA is required by the CAA to designate the area as nonattainment.

On March 28, 2000, EPA issued guidance memoranda titled "8-Hour Designations" and "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone NAAQS." The guidance provides that States submit designation recommendations, including recommendations regarding boundaries, by June 30, 2000. In the guidance, EPA indicated its view that boundaries for nonattainment areas presumptively should be the boundaries for the Consolidated Metropolitan Statistical Area (CMSA) or Metropolitan Statistical Area (MSA), as defined by the Office of

Management and Budget. However, the guidance also provided factors that States could consider if they wished to recommend boundaries that do not coincide with the CMSA or MSA boundaries. Monitoring data show that the Baton Rouge MSA is in violation of the 8-hour ozone NAAQS for the 1997-1999 period. In making a designation recommendation for the Baton Rouge area, including the appropriate boundaries, the State could address the factors provided in EPA's guidance if it wishes to recommend an area that is either smaller or larger than the MSA.

If the EPA intends to modify a State's recommendation, it will notify the State no later than 120 days before making a designation. In the absence of a recommendation, in whole or in part, EPA will determine the appropriate designation. At this time, EPA is not taking a position on the designation of any specific area; Instead, we will first consider the recommendations and supporting documentation submitted by the States. However, the EPA stands ready to assist the State of Louisiana in this important matter of determining nonattainment areas.

The EPA is sensitive to the Parish Presidents' concerns and we will take their comments under advisement as we work with the State of Louisiana to formulate the appropriate designations and boundaries for the Baton Rouge area.

Thank you for this opportunity to be of service, and I hope this information will be helpful in responding to your constituents. If you need further assistance, please let me know.

Sincerely yours,

/s/ Lynda Carroll

Gregg A. Cooke
Regional Administrator

Enclosure

cc: The Louisiana Department of
Environmental Quality